

COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X
LIFE IS GOOD, INC., :
 :
 Plaintiff, :
 :
 v. : No. 04 11290 REK
 :
 LG ELECTRONICS U.S.A., INC., :
 :
 Defendant. :
-----X

Washington, D.C.

Wednesday, November 9, 2005

Deposition of

JOHN I. TAYLOR

a witness, called for examination by counsel for
Plaintiff, pursuant to notice and agreement of
counsel, beginning at approximately 9:36 a.m., at
the law offices of Nixon Peabody, 401 9th Street,
NW., Washington, D.C., before Lauri M. Ploch of
Beta Court Reporting, notary public in and for the
District of Columbia, when were present on behalf
of the respective parties:

Exhibit 3 to Awdeh
Declaration

1 the premium products that command a premium
2 price in the marketplace, are targeted to a
3 high-income household.

4 Q You would agree with me that people
5 in the 25-to-49 demographic are likely
6 prospective purchasers of t-shirts, wouldn't
7 you?

8 A I'm not an expert in T-shirts. We
9 are in the electronics business.

10 Q I understand that, but wouldn't you
11 agree with me that people in the 25-to-49
12 demographic probably buy t-shirts?

13 A Sure.

14 Q And hats?

15 A Sure.

16 Q And people who make over 75,000 or
17 \$100,000 a year probably buy television and
18 T-shirts, right?

19 A I would guess, sure.

20 Q Now, you testified this morning
21 that one of the things you did in preparing
22 to come and testify today is, you tried to

1 find out everything you could about instances
2 of potential confusion between Life is good
3 and the Life's Good marketing slogan.

4 Did I get that right?

5 A That's right.

6 Q Tell me how you went about doing
7 that.

8 A I spoke with a variety of people
9 inside of our company and really focused in
10 three areas: In our customer service area,
11 our promotional and trade show area, and
12 sales.

13 Q And did you speak with people from
14 these three different areas or divisions
15 separately, or did you bring them all
16 together for a meeting?

17 A Separately.

18 Q Why don't you tell me what you
19 found out. And if it is easier for you to
20 break it out by each of the three divisions,
21 we can do that, or if it is easier for you to
22 lump them together, you can do that.

1 A I laid out the parameters,
2 explaining the basics of this suit. Some had
3 not heard of Life is good. I explained that
4 they make a variety of products, like
5 t-shirts and hats, and asked them to check,
6 check and see if there were any instances of
7 inquiries from consumers, from retailers, any
8 suggestion that there might be confusion
9 between Life is good and LG.

10 Q And what did these people report to
11 you?

12 A Starting with customer service, our
13 consumer information center receives 4,000
14 telephone calls a day. We get about 100,000
15 inquiries a month, including emails, regular
16 mail, and those phone calls. Every
17 interaction with a customer is logged. The
18 details of that interaction are put into a
19 database.

20 So all of that was searched, and
21 there was an extensive search. We talked to
22 the customer service representatives. There

1 was not one single incident of any confusion.

2 Q And these customer service
3 representatives, or the people who man your
4 customer information center, do they deal
5 with people at the consumer buying public
6 level?

7 A Yes, primarily consumers.

8 Q People who have a question about
9 their warranty on their television or
10 something like that?

11 A Right.

12 Q Who did you talk to at the
13 promotional and trade show level?

14 A I talked to the promotion managers
15 for the divisions who oversee both our
16 retailer and consumer promotions. They have
17 a lot of interface with retailers and some
18 consumers at various public events, but
19 mostly it's more of trade communications.

20 They also reported not a single
21 incident of any confusion.

22 Q And how about the people that you

1 talked to at the sales level?

2 A I spoke with sales managers, who in
3 turn checked with their field sales to --
4 with the same parameters, and again came back
5 with no incidents of confusion.

6 Q And when you were conducting this
7 review, what did you mean as an incident of
8 confusion? How did you explain that to these
9 folks?

10 A I left it very wide open. I said
11 if you had any inquiries about, have you seen
12 this Life is good T-shirt, is that associated
13 with your company? Or somebody called the
14 customer information center saying my Life is
15 good T-shirt ripped in the washing machine,
16 are you going to replace it? You know,
17 anything. And they had a very free reign,
18 and I have great confidence in the people I
19 talked to.

20 Q Going back to the customer service
21 level, how is it that a customer of LG
22 Electronics would know what phone number to

1 call?

2 A It is widely published in magazines
3 and on our web site. It is the main number
4 to call, a toll-free number that covers all
5 of our product divisions.

6 MR. KIRBY: Can I have this marked
7 as the next exhibit, please.

8 (Deposition Exhibit No. 41 was
9 marked for identification.)

10 BY MR. KIRBY:

11 Q Mr. Taylor, do you have Exhibit 41
12 in front of you?

13 A I do.

14 Q And do you see that this is also an
15 Internet web page for the lge.com web site?

16 A Right, the corporate site.

17 Q And by that you mean the web site
18 maintained by LG Electronics, Inc.?

19 A In Korea, correct.

20 Q I can report to you, I went to that
21 site yesterday and printed out these copies
22 for us.